

## Defendants.

**ANTHONY ZELLER**

**Plaintiff,**

**V.**

**KIM THOMAS, et al.,**

## Defendants.

**MICHAEL MCGREGOR,**

**Plaintiff,**

**V.**

**KIM THOMAS, et al.,**

## Defendants.

**Case No.: 4:17-CV-0564-KOB**

**Case No.: 4:17-CV-0593-VEH**  
**UNOPPOSED**

## **JOINT REPORT AND MOTION**

COME NOW the Plaintiffs and Defendants in the above-referenced causes, by and through undersigned counsel, and file this Joint Report and Motion with the Court stating as follows:

## **I. Report on Requests for Admissions**

In the Court's Scheduling Order (Doc. 61) filed November 30, 2017, the parties were directed in Section 4 to present a proposal to the Court regarding requests for admissions by February 15, 2018. The parties respectfully request that deadline be extended in accordance with the joint request for an extension of all deadlines set forth in Section II below.

## **II. Motion to Extend Deadlines**

These cases are heavily document intensive. In connection with the Reports of Parties' Planning Meeting, the parties had agreed that Defendants would produce to Plaintiffs in these cases the documents the Alabama Department of Corrections ("DOC") had produced in the *Duke* litigation previously filed in the Northern District. It was believed at the time that production would include approximately 30,000 pages. Thereafter, it was learned the *Duke* Production included approximately 250,000 pages or more produced by DOC and in excess of 6,700 pages of documents produced by the Equal Justice Initiative. In addition, the Defendants intend to produce approximately 10,000 pages of documents this week in response to Plaintiffs' Requests for Production in these five cases. In reaching an agreement on deadlines in the Reports of Parties' Planning Meeting, counsel for the parties in these cases never contemplated the volume of documentation involved in these cases.

Plaintiffs have sued more than 20 DOC employees. Defense counsel understands that approximately half or more of those individuals no longer work for the St. Clair Correctional facility and several of that number no longer work for DOC. At least one Defendant lives in Nevada. Accordingly, scheduling depositions will involve more locations and complications than originally contemplated. Based on these reasons, the parties have agreed to an extension of all deadlines in these five cases of four months.

Respectfully submitted this 15th day of February, 2018.

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